

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN WEST, JR.,

Defendant.

8:19CR307

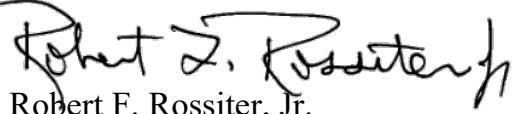
ORDER

This matter is before the Court on defendant John West, Jr.’s (“West”) pro se Motion for Compassionate Release (Filing No. 62). Under 18 U.S.C. § 3582(c)(1)(A)(i), a federal prisoner may move the Court to “reduce [their] term of imprisonment” for “extraordinary and compelling reasons.” But a prisoner can only file such a motion after he “has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons [(“BOP”)] to bring a motion on [his] behalf or the lapse of 30 days from the receipt of such a request by the warden of [his] facility, whichever is earlier.” *Id.*; see also *United States v. Raia*, 954 F.3d 594, 595 (3d Cir. 2020).

In his motion, West fails to show he has exhausted his administrative remedies or otherwise complied with § 3582(c)(1)(A)(i). This omission “presents a glaring roadblock foreclosing compassionate release at this point.” *Raia*, 954 F.3d at 597 (finding strict statutory compliance necessary, particularly given the “BOP’s statutory role, and its extensive and professional efforts to curtail the virus’s spread”). Furthermore, West has not identified any medical conditions that place him at high risk for contracting the virus; the possible spread of COVID-19 alone does not justify compassionate release. *Id.* Accordingly, West’s motion for compassionate release is denied without prejudice.

Dated this 5th day of January 2021.

BY THE COURT:


Robert F. Rossiter, Jr.
United States District Judge